

REMARKS

Claims 1-22 are pending in the application.

Claims 1-22 are rejected.

Claim 9 has been amended.

I. Specification & Drawings

The Office Action states that the title of the invention is not descriptive. A new title has been written as required.

With respect to the Examiner's comments regarding the informal drawings, applicants will provide a set of formal drawings when the pending application is allowed.

II. 35 U.S.C. § 102

Claims 1-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sathyanarayan et al. (U.S. Patent No. 6,304,904). The Office Action states that Sathyanarayan discloses all the limitations for the claims 1-9. At 3.

Claim 1 is directed to a method for internet performance monitoring and analysis. The method comprises the steps of collecting web page object-level data and measuring access to web page objects. Claim 1 discloses an object-level performance measurement.

In contrast, Sathyanarayan is directed to a different level of Internet performance measurement. It only measures the performance of a network device at a page level. Col. 1, lines 48-50 and col. 2, lines 9-12. It does not teach measuring access to web page objects, as recited in claim 1. The Office Action, referring to abstract, col. 2 lines 35-47 and col. 8, lines 5-35, states that these portions of Sathyanarayan disclose this feature. However, these portions of

Sathyanarayan only disclose generating page-level performance statistics and do not teach measuring object-level performance for objects on a web page.

Therefore, claim 1 is not anticipated by Sathyanarayan. Claims 2-8 depend from claim 1 directly or indirectly. Therefore, these claims are patentable at least for the reasons set forth with respect to claim 1.

With respect to claim 9, the Office Action indicates that Sathyanarayan discloses every element of claim 9. Claim 9 has been amended to recite measuring the access parameters including performance metrics for objects of a web page. As stated earlier, Sathyanarayan is directed to a different level of performance measurement. It only measures the performance of a network device at a page level. Col. 1, lines 48-50 and col. 2, lines 9-12. It clearly does not teach measuring performance of objects of a web page.

III. 35 U.S.C. § 103

Claims 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sathyanarayan. In regard to claim 10, the Office Action indicates that Sathyanarayan teaches every element except a plurality of agents located at distributed points throughout the global computer network. The Office Action then contends that it would have been obvious to a person of ordinary skill in the art to use such a feature. At 6.

The Examiner in fact takes official notice outside of the record, because Sathyanarayan clearly does not teach using a plurality of agents located at distributed points throughout the global computer network. Applicants request that the Examiner either cite a reference in support of his position or withdraw this rejection. Claims 11-22 depend from independent claim 10, directly or indirectly. Therefore, these claims are patentable at least for the reasons set forth with

respect to independent claim 10. Further, these claims are patentable for other novel matter disclosed therein. For example, claim 14 specifically recites the means for determining the origination of Internet-related performance problems. Claim 22 recites the means for determining vendor weaknesses contributing to poor Web site performance. The cited portions of the reference only generally discuss the operation of page-level performance statistics, and do not teach these specific features. Applicants request the Office Action either cite the reference in detail, or withdraw these rejections.

IV. Summary

Having fully addressed the Examiner's objections and rejections, it is believed that in view of the preceding remarks, this entire application stands in a condition for allowance. If, however, the Examiner is of the opinion that such action cannot be taken, he is invited to contact the applicant's attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Action. An early and favorable response is earnestly solicited.

Please address all future correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made to Vincent E. McGeary at (973) 596-4837 or (973) 596-4500.

V. Fees

If any additional fees are due in respect to this amendment, please also charge them to
Deposit Account No. 03-3839.

Respectfully submitted,



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